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12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 SPENCER CHRISTJENCODY GEAR,

18 Defendant.

19 Case No. 2:24-cr-00152-JAD-BNW

20 **STIPULATION TO CONTINUE  
MOTION DEADLINES AND  
TRIAL DATES**  
(Second Request)

21 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,  
22 United States Attorney, and Jacob H. Operkalski, Assistant United States Attorney, counsel  
23 for the United States of America, and Rene L. Valladares, Federal Public Defender, and  
24 Rebecca A. Levy, Assistant Federal Public Defender, counsel for Spencer Christjencody Gear,  
25 that the calendar call currently scheduled for December 2, 2024 at 1:00 p.m., and the trial  
26 scheduled for December 17, 2024 at 1:30 p.m., be vacated and set to a date and time convenient  
to this Court, but no sooner than sixty (60) days.

IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to  
and including December 19, 2024, to file any and all pretrial motions and notices of defense.

IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they  
shall have to and including January 2, 2025, to file any and all responsive pleadings.

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they  
2 shall have to and including January 9, 2025, to file any and all replies to dispositive motions.

3 The Stipulation is entered into for the following reasons:

4 1. Defense counsel needs additional time to review discovery, investigate the  
5 charge in order to determine whether there are any pretrial issues that must be litigated and  
6 discuss with her client to determine whether the case will ultimately go to trial or will be  
7 resolved through negotiations.

8 2. The defendant is incarcerated and does not object to the continuance.

9 3. The parties agree to the continuance.

10 4. The additional time requested herein is not sought for purposes of delay, but  
11 merely to allow counsel for defendant sufficient time within which to be able to effectively and  
12 complete investigation of the discovery materials provided.

13 5. Additionally, denial of this request for continuance could result in a miscarriage  
14 of justice. The additional time requested by this Stipulation is excludable in computing the time  
15 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
16 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,  
17 Section 3161(h)(7)(B)(i), (iv).

18 This is the second stipulation to continue filed herein.

19 DATED this 15th day of October 2024.

20 RENE L. VALLADARES  
21 Federal Public Defender

JASON M. FRIERSON  
United States Attorney

22 /s/ *Rebecca A. Levy*  
23 By \_\_\_\_\_  
24 REBECCA A. LEVY  
Assistant Federal Public Defender

25 /s/ *Jacob H. Operskalski*  
26 By \_\_\_\_\_  
JACOB H. OPERSKALSKI  
Assistant United States Attorney

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

SPENCER CHRISTJENCODY GEAR,

Defendant.

Case No. 2:24-cr-00152-JAD-BNW

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

## **FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Defense counsel needs additional time to review discovery, investigate the charge in order to determine whether there are any pretrial issues that must be litigated and discuss with her client to determine whether the case will ultimately go to trial or will be resolved through negotiations.

2. The defendant is incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials provided.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

## **CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excusable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

## **ORDER**

IT IS THEREFORE ORDERED that the parties herein shall have to and including December 19, 2024, to file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED that the parties shall have to and including January 2, 2025, to file any all responses.

IT IS FURTHER ORDERED that the parties shall have to and including January 9, 2025, to file any and all replies.

IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government's prospective witnesses must be electronically submitted to the Court by the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

IT IS FURTHER ORDERED that the calendar call currently scheduled for December 2, 2024, at the hour of 1:30 p.m., be vacated and continued to \_\_\_\_\_ at the hour of \_\_\_\_:\_\_\_\_\_.m.; and the trial currently scheduled for December 17, 2024, at the hour of 1:30 p.m., be vacated and continued to \_\_\_\_\_ at the hour of \_\_\_\_:\_\_\_\_\_.m.

DATED this                    day of October 2024.

UNITED STATES DISTRICT JUDGE